

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION

OPIATE LITIGATION

*This document relates to:*

*Track Three Cases*

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**TRACK 3 PLAINTIFFS LAKE AND TRUMBULL COUNTIES' MOTION TO COMPEL  
THE TRACK 3 DEFENDANTS TO COMPLY WITH THE COURT'S ORDER  
REGARDING THE PLAINTIFFS' ABATEMENT PLAN**

Plaintiffs Lake and Trumbull Counties move the court for an order requiring the Track 3 Defendants to comply with the court's directives issued at the January 3, 2022 status conference. At that time, the Court discussed with the parties how it intended to proceed with the Phase 2 trial. The court asked that the plaintiffs produce their abatement proposal and include therein the costs associated with each element of the plaintiffs' proposal. Plaintiffs complied. The court further ordered that the defendants produce their own abatement plan and to explain why the defendants disagreed with each specific element of plaintiffs' proposal, if a disagreement existed. The defendants' submission (Doc# 4315) does not comply with the court's directive. It merely reiterates portions of their "legal brief" Doc #4299) and broadly argues that the plaintiffs' plan is too broad. It does not set forth an alternative abatement plan.

Plaintiffs request that the court compel that the defendants comply with the court's directive. In the alternative, Plaintiffs seek an order prohibiting the defendants from presenting any evidence contradicting plaintiffs or from arguing that Plaintiffs' plan should not be adopted by the court.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger